

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION**

JOHN DUHART

v.

DOUG DRETKE, DIRECTOR,
TEXAS DEPARTMENT OF CRIMINAL
JUSTICE-INSTITUTIONAL DIVISION

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C.A. NO. C-04-490

**MEMORANDUM OPINION AND ORDER GRANTING RESPONDENT'S MOTION
FOR SUMMARY JUDGMENT AND DISMISSING PETITIONER'S CAUSE OF
ACTION FOR HABEAS CORPUS RELIEF**

On April 13, 2005, the United States Magistrate Judge filed her Memorandum and Recommendation in this cause (D.E. 18). After ample opportunity, no objections have been filed by either party. This Court regards such omission as each party's agreement with and acceptance of the Magistrate Judge's findings of fact and conclusions of law. Having reviewed the pleadings on file, the Court finds no clear error in the Magistrate Judge's memorandum and recommendation. *Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1420 (5th Cir. 1996). This Court adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, respondent's motion for summary judgment (D.E. 15) is GRANTED and petitioner's cause of action for habeas corpus relief is DISMISSED.

ORDERED this 31st day of May, 2005.


HAYDEN HEAD
CHIEF JUDGE